



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 16.44 - BA

Subject: Supervised and Unsupervised Visitation Between Child/Youth and Family

Supersedes: None

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): Yes

Approved by:

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Application

To All Case Managers, Team Coordinators, and Team Leaders for Children/Youth Who Have Been Adjudicated Neglect/Dependent and Unruly and Are In Out-Of-Home Care

Authority: TCA 37-5-106

Policy

Children and youth in the legal custody of the Department of Children's Services and their families shall have the opportunity to visit with one another as often as possible unless there is a court order that limits visitation. Visitation is critical in helping to lessen the trauma of separation and essential if reunification of the child with the family is to occur as quickly as possible. For purposes of this policy "family" is defined broadly and shall include other individuals that have played a significant role in the child's life. Visitation may be supervised or unsupervised based on the direction of the court and the individual circumstances of each case. The safety and well being of a child is the primary concern during the process of determining if visitation is to be supervised or unsupervised. Visitation shall afford parents the opportunity to demonstrate parenting skills necessary to ensure the safe return of the child to the home. Visitation (supervised or unsupervised) shall be conducted in the most natural setting possible, preferably the family's home and to the extent possible case managers shall ensure that visitation takes place outside the DCS office. Unless court ordered, visitation between children and their family shall be no less than one (1) hour per week. Case managers shall make every effort to ensure that children and families have more than one (1) hour per week to visit with one another.

Procedures

A. Developing a visitation schedule

1. After a child comes into DCS custody, the case manager assigned to the child/youth shall meet as soon as possible with the child's family or family members to initiate the planning process. This meeting shall take place no later than seven (7) days after a child comes into care. During this meeting with the family the case manager shall arrange a visitation schedule between the child and the family. Visitation between the child and family shall be allowed as soon as possible. There shall be no "waiting period" before children and families are allowed visitation.
2. Visitation times should be mutually agreed upon and to the extent possible, not conflict with the parents work schedules and children's school schedules.
3. Visitation should occur in a scheduled and predictable manner. This practice helps parent(s) and other family members coordinate transportation and planning of other activities around the established visitation schedule. It also assists children as they adapt to the many changes and losses they experience in foster care.

B. Unsupervised visitation

1. Case managers shall work with the family to select the most comfortable, natural setting possible for unsupervised visitation. Unsupervised visitation will most often be in the family's home. If there are reasons why the family's home would not be appropriate, unsupervised visitation may take place in the child's foster home or another neutral setting such as a park. The DCS office is not an appropriate setting for unsupervised visitation.
2. Case managers should assist the child's family members with planning activities for unsupervised visitation that will help maintain, improve and strengthen family relationships.
3. The case manager should ensure that siblings are included in family visits (see DCS policy 16.43, *Sibling Visitation*). This includes siblings who remain at home and those placed together or separately in foster care. When it is not possible to include all siblings, separate arrangements must be made for siblings to visit with one another.
4. Telephone contact should be encouraged as appropriate to maintain further contact between family members. Telephone contact is not a replacement for visitation.

5. When it is necessary for treatment purposes to place children outside of their neighborhood, community or region, the case manager must take an active role to ensure that family members have access to transportation to visit children. The case manager may invite family members to travel with them to visit a child in a foster home or facility, or assist in providing other transportation resources. Use of custodial flex funding is encouraged to assist families that experience transportation difficulties.

**C. Supervised
visitation**

1. When unsupervised visitation is not possible, case managers shall develop, along with the family, a schedule for supervised visitation. Supervised visitation is appropriate in the following situations:
 - a) The child is in care as a result of a court finding of severe abuse.
 - b) The child is in care as a result of non-adjudicated severe abuse but there is a child protective services investigation has resulted in an indicated case of severe abuse.
 - c) The court order for other reasons specifically requires supervised visitation between a child and his or her family.
 - d) Other documented reasons exist that compromise a child's safety and justify supervised visits.
2. Until such time as a child's permanency goal(s) exclude reunification with the birth parent(s), the case manager shall arrange for visitation and other contacts between family members and children in foster care even when these visits require supervision to ensure the safety for the child. To facilitate these visits:
 - a) Case managers must adhere to the same basic principles as outlined in section *B* above.
 - b) Case managers must be honest and clear when explaining to the family that visits will be supervised, how these will be supervised, who will be supervising them, and why they are being supervised.
 - c) As frequently as possible case managers shall supervise child and family visits. DCS case assistants, contract agency case managers, and foster parents may also supervise visitation. Individuals supervising visitation must be able to protect a child from harm or abduction during the visitation and be able to exercise

control and to intervene if required during the visit.

- d) Case managers or other staff supervising visitation shall use form CS-0594, *Visitation Observation Checklist* to document observed interaction between parent(s) and children
- e) Case managers must continually assess the appropriateness of requesting unsupervised visits. These requests must be made of the court and documented in the case file.

**D. Modification to
visitation
schedules**

Case managers shall adhere to the following procedures for modifying visitation schedules.

1. If an emergency situation involving the immediate health or safety of the child exists, case managers may immediately terminate or cancel a visit.
2. If visitation is perceived to present a long-term threat to the child's health or safety, the case manager shall contact a DCS attorney and request that a motion be filed with the court requesting termination or modification of the visitation schedule.
3. In situations where DCS has made a decision to file a motion with the court to request a modification of the visitation schedule the family shall be notified by the case manager and invited to participate in a meeting to address the need for modifying the already agreed upon visitation schedule. Without regard to the family's decision to participate in this meeting, the family must be notified in writing of the decision to suspend, curtail, or otherwise modify visitation.
4. A child's family has ten (10) days from the date of notice that a visitation schedule is being modified in which to request a review of the department's decision. If the parent does not request a review of this action within ten (10) days, has been unwilling to participate in a meeting regarding modification of the visitation schedule, or disagrees with the decision to modify the visitation schedule, the case manager shall request that legal staff file a motion requesting a hearing to modify the visitation schedule.
5. A child's family shall be notified in advance of any hearing that is scheduled so that they may participate fully in the hearing.
6. If the court agrees to a modification of the visitation schedule the permanency plan shall be modified to reflect

the new visitation schedule and the modified permanency plan shall be submitted to the court for ratification.

7. The appropriate Regional Assistant Commissioner must approve any decision by the department to indefinitely reduce, for any reason, the amount of visitation below the four (4) hours every twenty-eight (28) days minimum outlined in this policy.
8. If a visitation schedule is modified the case manager must send confirmation of changes of an established visitation schedule to the child, the child's family and the foster parents and/or facility.

Forms

CS-0594 Visitation Observation Checklist

Collateral Documents

None

Standards

DCS Practice Model Standards – 6-510C

DCS Practice Model Standards – 12-400

DCS Practice Model Standards – 12-401

DCS Practice Model Standards – 12-402

DCS Practice Model Standards – 12-403

This Is A Brian A. Policy And May Not Be Modified Without Prior Authorization
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